IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1820 OF 2005

Mohan Nanaso Desai ..Petitioner

Vs.

1. Union of India and ors. ..Respondents

Mr. A.S. Desai for petitioner.
None for the respondents.

CORAM: B.H. MARLAPALLE & N.H. PATIL, JJ.

Date : September 04, 2006.

P.C.:

1. Heard Mr. Desai the learned counsel for the petitioner. The petitioner was assigned the duty of delivering the registered letters and also the money orders of the addressees. On 25/6/1999 he went with nine money order forms to the tune of Rs.4,300/- and disbursed only one money order form worth Rs.600/-. At the end of the day he sent money order form delivered and eight money order forms and register letters through one of his colleague Shri Chandu Lohar but he retained the amount of Rs.3700/- with him. He disappeared for 2-3 days and claimed that his mental conditions were not normal.

2. However, his brother who was also working in

the very same post office waited till about 5.30 p.m. and when he noticed that the petitioner had not remitted the amount, took steps to remit an amount of Rs.3700/- on behalf of the petitioner.

3. Departmental inquiry against the petitioner was held after giving charge-sheet to him. The Inquiry Officer submitted his findings and held him guilty. The Disciplinary Authority concurred with the findings recorded by the Inquiry Officer and by its order dated 16/8/2001 awarded the punishment of dismissal. He filed an appeal and the departmental Appellate Authority also dismissed the appeal on 17/1/2002. Ultimately, the petitioner approached the Central Administrative Tribunal in O.A. No.476 of 2003 which came to be dismissed on 25/10/2004. Hence this petition.

4. The Tribunal on assessment of all the documentary evidence placed before it in terms of the inquiry proceedings, recorded a finding that there was sufficient evidence to substantiate the charges levelled against the petitioner and it could not act as an authority empowered to undertake a judicial review on the quantum of punishment. The learned

counsel for the petitioner before us also reiterated that the punishment was too harsh and grossly disproportionate to the charges proved against the petitioner.

5. The petitioner was a public servant entrusted with the discharge of public duties. He was duty bound to disburse the money order amount to the addressees and instead of doing that duty he kept an amount of Rs.3700/- and disappeared for 2-3 days. The said amount was remitted with the very same post office only because the petitioner's brother was working there and this action of the brother does not absolve the petitioner of the charges of misappropriation of public funds. Hence the view taken by the Administrative Tribunal cannot be termed as perverse or grossly erroneous so as to interfere with the same.

6. Hence, the petition is rejected summarily.

(N.H. Patil, J.) **(B.H. Marlapalle,J.)**